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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,807	12/07/2001	Paul Michael Fennessy	6902	3923

7590

03/30/2004

SHLESINGER, ARKWRIGHT & GARVEY LLP
3000 South Eads Street
Arlington, VA 22202

EXAMINER

SHAKERI, HADI

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,807

Applicant(s)

FENNESSY, PAUL MICHAEL

Examiner

Hadi Shakeri

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION***Drawings***

1. The proposed drawing filed on December 06/2003, are not approved for introducing new matter. While claims provide sufficient support for adding the hose (28) to tank (50) claims and the specification as originally filed do not provide sufficient support for the switch valve as depicted. Applicant may wish to amend Fig. 3 by using a general diagram block for indicating the switch valve. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

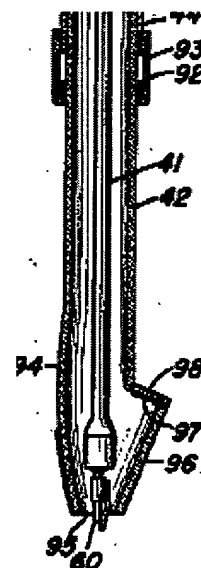
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Maurer et al.

Maurer et al. discloses all the limitations of claim 1, i.e., a blasting device comprising a blasting medium supply unit, not shown, col. 3, lines 38-41, a blasting gun (40) having an extension (42) including a sufficiently clear plastic portion, e.g., transparent, col. 5, line 55.

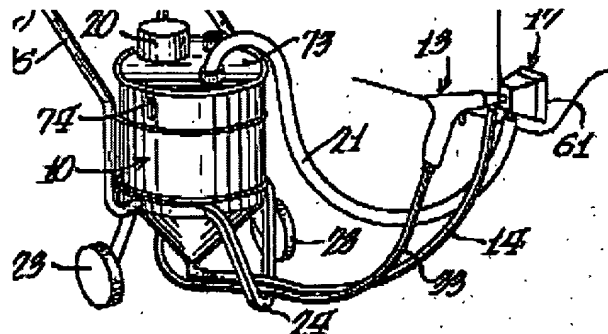
Regarding claims 2 and 3, embodiments wherein the extension is made of moldable transparent plastic material, meets the limitations of a clear and colorless as best understood.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown, US 4,395,850.



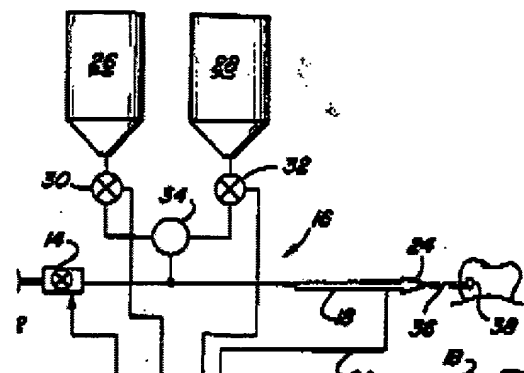
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Brown discloses all the limitations of claims 1-3, i.e., a blasting device comprising a blasting medium supply unit (10) a blasting gun (13) having an extension (14) wherein the extension is a clear plastic pipe, e.g., col. 7, lines 36 and 37.



5. Claims 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldsmith et al., US 5,334,019.

Goldsmith et al. discloses all the limitations of claims 4 and 5, i.e., a blasting medium supply unit including at least two blasting medium supply tanks (26) (28), wherein a switching valve (34) is provided for switching between the two tanks for alternately supplying medium from each tank.



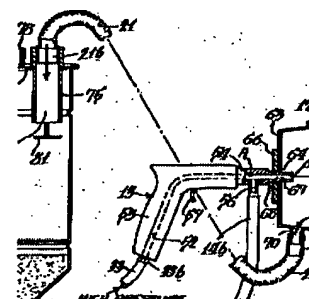
Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Goldsmith et al.

Brown meets all the limitations of claim 11, i.e., a blasting medium supply unit (10) a blasting gun (13) fluidly connected to the supply unit having an extension (14) wherein the extension is a clear plastic pipe, except for disclosing for the supply unit to include two tanks. Goldsmith et al. teaches the



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use of multiple tanks for supplying different size or types of abrasives.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Brown with the double supply tanks as taught by Goldsmith et al. to adapt the apparatus for accommodating different types and/or sizes of abrasives for different applications.

Regarding claims 12, 14-17, Brown as modified by Goldsmith meets the limitations.

Regarding claims 6 and 13, Brown as modified by Goldsmith meets all the limitations including a recovery hose (21), except for a switching valve for alternating between the blasting medium supply cylinders. However, the recovery hose as disclosed by Brown is configured for a supply unit with one tank, and it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the invention of Brown as modified by Goldsmith et al. for double supply tanks with a switching valve (e.g., like the one taught by Goldsmith et al.) to selectively retrieve blasting medium for each tank.

Regarding claims 7-10, Brown as modified by Goldsmith meets the limitations.

8. Claims 4-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maurer et al. in view of Goldsmith et al.

Maurer et al. meets all the limitations of claim 11, i.e., a blasting medium supply unit a blasting gun (40) fluidly connected to the supply unit having an extension (42) wherein the extension is a clear plastic pipe, except for disclosing double tank supply unit.

Goldsmith et al. teaches the use of multiple tanks for supplying different size or types of abrasives.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Maurer et al. with the double supply tanks as taught by

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Goldsmith et al. to adapt the apparatus for accommodating different types and/or sizes of abrasives for different applications.

See section 7 above, regarding claims 6-17.

Response to Arguments

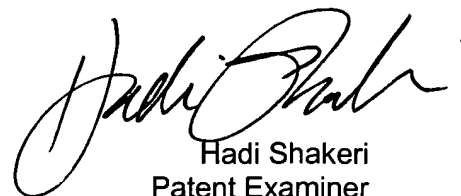
9. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. However, the argument regarding Maurer failing to meet the limitation of a plastic pipe, attention is directed to Maurer col. 5, line 55.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hadi Shakeri at (703) 308-6279. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM.

Unofficial documents may be faxed to the Examiner at (703) 746-3279.

Official documents should be faxed to (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1148.



Hadi Shakeri
Patent Examiner
March 24, 2004